(Chap. XI.—Regulation of Streets. Secs. 289-290.)

CHAPTER XI.

REGULATION OF STREETS.

Construction, Maintenance and Improvement of Public Streets.

Vesting of public streets in the corporation.

289. (*1*) All streets within the city, being or which at any time become public streets, and the pavements, stones and other materials thereof, shall vest in the corporation and be under the control of the Commissioner.

Powers of Commissioner in respect of public streets.

(*2*) The Commissioner shall from time to time cause all such streets to be levelled, metalled or paved, channelled, altered and repaired, as occasion shall require; he may also from time to time widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered, and may place and keep in repair fences and posts for the safety of foot-passengers: provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees, shall be undertaken by the Commissioner unless or until such undertaking has been authorized by the corporation.

(*3*) With the sanction of the corporation, the Commissioner may permanently close the whole or any part of a public street: provided that such sanction of the corporation shall not be given unless, one month at least before the meeting at which the matter is decided, a notice signed by the Commissioner has been put up in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting, have been received and considered by the corporation.

Disposal of land forming site of closed streets.

290. Whenever any public street, or part of a public street, is permanently closed under section

289, the site of such street, or of the portion thereof which has been closed, may be disposed of as land vesting in the corporation.

Power to make new public streets.

291. The Commissioner, when authorized by the corporation in this behalf, may at any time—

(*a*) lay out and make a new public street;

(*b*) agree with any person for the making of a street for public use through the land of such person, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation, and that such street shall become, on completion, a public street.

Saving of provisions of sections 37 and 38, Bombay Act VI of 1879.

292. Nothing in sub-sections (*1*) and (*3*) of section 289 or in the two last preceding sections shall be deemed to affect the provisions of sections 37 and 38 of the Bombay Port Trust Act, 1879. Bom. VI of 1879.

Permission to lay tramways or railways on public streets to need the sanction of the corporation and confirmation by Government.

293. (*1*) Permission shall not be granted to any person to lay or work upon any public street any tramway or railway or the like, by any municipal authority other than the corporation, and no such permission shall have validity unless and until it is confirmed by Government.

(*2*) Nothing in this section shall be deemed to affect the provisions of the Bombay Tramways Act, 1874. Bom. I of 1874.

Minimum width of new public streets.

294. No new public street made under section 291 shall be less than forty feet in width if such street be made for carriage traffic, or twenty feet if such street be made for foot traffic only; and no steps and, except with the written permission of the Commissioner under section 310, no other projection shall extend on to any such street.

Power to construct or adopt public bridges, &c., over or under railways, &c.

295. The Commissioner, when authorized by the corporation in this behalf, may agree—

(*a*) with any person to adopt and maintain any existing or projected bridge, viaduct or arch, and the approaches thereto, and may accordingly adopt and maintain such bridge, viaduct or arch and approaches as parts of public streets, or as property vesting in the corporation; or

(*b*) for the construction or alteration of any such bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundation and support thereof or for the approaches thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation.

Power to acquire premises for improvement of public streets.

296. (*1*) The Commissioner may, subject to the provisions of sections 90, 91 and 92—

(*a*) acquire any land required for the purpose of opening, widening, extending or otherwise improving any public street or of making any new public street, and the buildings, if any, standing upon such land;

(*b*) acquire, in addition to the said land and the buildings, if any, standing thereupon, all such land, with the buildings, if any, standing thereupon, as it shall seem expedient for the corporation to acquire outside of the regular line, or of the intended regular line, of such street;

(*c*) lease, sell or otherwise dispose of any land or building purchased under clause (*b*).

(*2*) Any conveyance of land or of a building under clause (*c*) may comprise such conditions as the Commissioner thinks fit, as to the removal of the existing building, the description of new building

to be erected, the period within which such new building shall be completed and other such matters.

Preservation of Regular Line in Public Streets.

Prescribing the regular line of a street.

[a]**297.** (*1*) The Commissioner may

(*a*) prescribe a line on each side of any public street;

(*b*) from time to time, but subject in each case to his receiving the authority of the corporation in that behalf, prescribe a fresh line in substitution for any line so prescribed, or for any part thereof, provided that such authority shall not be accorded

(*i*) unless, at least one month before the meeting of the corporation at which the matter is decided, public notice of the proposal has been given by the Commissioner by advertisement in local newspapers as well as in the *Bombay Government Gazette*, and special notice thereof, signed by the Commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be prescribed, and

(*ii*) until the corporation have considered all objections to the said proposal made in writing and delivered at the office of the municipal secretary not less than three clear days before the day of such meeting.

(*2*) The line for the time being prescribed shall be called 'the regular line of the street'.

(*3*) No person shall construct any portion of any building within the regular line of the street except with the written permission of the Commissioner,

---

[a] Section 297 was substituted for the original section by Bom. V of 1905, s. 42.

who shall, in every case in which he gives such permission, at the same time report his reasons in writing to the standing committee.

(2) A line so prescribed shall be called "the regular line of the street."

Setting back buildings to regular line of the street.

298. (1) If any part of a building abutting on a public street is within the regular line of such street, the Commissioner may, whenever it is proposed—

(a) to rebuild such building or to take down such building to an extent exceeding one-half thereof above the ground-level, such half to be measured in cubic feet; or

(b) to remove, re-construct or make any addition to any portion of such building which is within the regular line of the street;

in any order which he issues, under section 345 or 346, concerning the re-building, alteration or repair of such building, require such building to be set back to the regular line of the street.

(2) When any building, or any part thereof within the regular line of a public street, falls down, or is burnt down, or is taken down whether under the provisions of section 351 or 354 or otherwise, the Commissioner may at once take possession on behalf of the corporation of the portion of land within the regular line of the street theretofore occupied by the said building, and, if necessary, clear the same.

(3) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest, as such, in the corporation.

Acquisition of open land or of land occupied by platforms, &c., within the regular line of a street.

299. (1) If any land not vesting in the corporation, whether open or enclosed, lies within the

regular line of a public street, and is not occupied by a building, or if a platform, verandah, step or some other structure external to a building abutting on a public street, or a portion of a platform, verandah, step or other such structure, is within the regular line of such street,

the Commissioner may, after giving to the owner of the land or building not less than seven clear days' written notice of his intention so to do, take possession on behalf of the corporation of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step or other such structure as aforesaid, or of the portion of the said platform, verandah, step or other such structure as aforesaid which is within the regular line of the street, and, if necessary, clear the same, and the land so acquired shall thenceforward be deemed a part of the public street:

(*2*) Provided that when the land or building is vested in Her Majesty [a] or in any corporation constituted by Royal Charter or by an Act of Parliament or of the Governor General of India in Council or of the Governor in Council possession shall not be taken as aforesaid without the previous sanction of Government.

Setting forward of buildings to regular line of the street.

300. (*1*) If any building which abuts on a public street is in rear of the regular line of such street, the Commissioner may, whenever it is proposed—

(*a*) to re-build such building, or

(*b*) to alter or repair such building in any manner that will involve the removal or re-erection of such building, or of the portion thereof which abuts on the said street, to an extent exceeding one-half of such

---

[a] The words "Her Majesty" were substituted for the original words by Bom. IV of 1888, s. 5 (*a*).

building or portion thereof above the ground-level, such half to be measured in cubic feet,

in any order which he issues, under section 345 or 346, concerning the re-building, alteration or repair of such building, permit or, with the approval of the standing committee, require such building to be set forward to the regular line of the street.

(2) For the purposes of this section, a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed to be a sufficient compliance with a permission or requisition to set forward a building to the regular line of a street if a wall of such materials and dimensions as are approved by the Commissioner is erected along the said line.

Compensation to be paid in cases under the three last sections.

301. (1) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under section 298 or 299 for the value of the said land and for any loss, damage or expense sustained by such owner in consequence of the order made by the Commissioner under either of the said sections.

(2) If, in consequence of any order to set forward a building made by the Commissioner under the last preceding section, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Commissioner for such loss or damage.

(3) If the additional land which will be included in the premises of any person required or permitted under the last preceding section to set forward a building belongs to the corporation, the order or permission of the Commissioner to set forward the building shall be a sufficient conveyance to the said owner of the said land; and the terms and conditions of the conveyance shall be set forth in the said order or permission.

(*4*) If, when the Commissioner requires a building to be set forward, the owner of the building is dissatisfied with any of the terms or conditions of the conveyance, the Commissioner shall, upon the application of the said owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the Chief Judge of the Small Cause Court, whose decision thereupon shall be conclusive.

Provisions concerning Private Streets.

Notice of intention to lay out new private street to be given to Commissioner.

302. Every person who intends to make or lay out a new private street [a] whether it is intended to allow the public a right of passage or access over such street, or not, [a] shall give written notice of his intention to the Commissioner, and shall, along with such notice, submit plans and sections, showing the intended level, direction and width, and means of drainage of such street and the height and means of drainage of the buildings to be erected on each side thereof.

Level, &c., of new private streets and of the buildings on either side thereof to be determined by Commissioner.

303. (*1*) The level, direction, width and means of drainage of every such [b] new private street, and the height and means of drainage of the buildings to be erected on each side thereof, shall be fixed and determined by the Commissioner with the approval of the standing committee.

(*2*) But if, within thirty days after the receipt by the Commissioner of any notice under the last preceding section, the disapproval by the Commissioner of the level, direction, width or means of drainage of the proposed new street, or of the proposed height or means of drainage of the buildings to be erected on each side thereof, shall not be communicated to the person who gave the notice under the last preceding section, the proposals of the

---

[a-a] These words were inserted by Bom. V of 1905, s. 43 (*1*).

[b] The word "such" was inserted by Bom. V of 1905, s. 43 (*2*).

said person shall be deemed to have been approved by the Commissioner.

New private street not to be made and buildings on either side thereof not to be erected except in accordance with Commissioner's directions or approval.

304. (*1*) No person shall make or lay out any such [a] new private street, or erect any building on either side thereof, otherwise than in accordance with the directions of the Commissioner under the last preceding section or with proposals approved by him under the said section, as the case may be.

(*2*) If any such [a] new private street be made or laid out, or if any building on either side of any such street be erected, in contravention of this section, the Commissioner may, by written notice, require the person who is making or laying out or has made or laid out such street, or who is erecting or has erected such building, on or before such day as shall be specified in such notice, by a statement in writing subscribed by him in that behalf and addressed to the Commissioner, to show sufficient cause why such street or building should not be altered to the satisfaction of the Commissioner or, if that be impracticable, why the same should not be demolished or removed;

or shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally, or by an agent duly authorized by him in that behalf, and show cause as aforesaid.

(*3*) If such person shall fail to show sufficient cause, to the satisfaction of the Commissioner, why such street or building should not be so altered or demolished or removed, the Commissioner may cause the street or building to be so altered or demolished or removed, and the expenses thereof shall be paid by the said person.

Levelling and draining of private streets.

305. If any private street be not levelled, metalled or paved, sewered, drained, channelled

[a] The word "such" was inserted by Bom. V of 1905, s. 43 (*3*).

and lighted to the satisfaction of the Commissioner, he may, with the sanction of the standing committee, by written notice, require the owners of the several premises fronting or adjoining the said street or abutting thereon to level, metal or pave, drain and light the same in such manner as he shall direct.

Power to declare private streets, when sewered, &c., public streets.

306. (*1*) when any private street has been levelled, metalled or paved, sewered, drained, channelled and made good to the satisfaction of the Commissioner, he may and, upon the request of the owner of or any of the owners of such street, shall, if lamps, lamp-posts and other apparatus necessary for lighting such street have been provided to his satisfaction, by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street:

(*2*) Provided that no such street shall become a public street if, within one month after such notice has been put up, the owner of such street or of the greater part thereof shall, by notice in writing to the Commissioner, object thereto.

(*3*) Nothing in this section shall be deemed to affect the provisions of sections 37 and 38 of the Bombay Port Trust Act, 1879. Bom. VI of 1879.

Applicability of sections 305 and 306 when a street is in part public and in part private.

307. If a portion only of any street is a public street, within the meaning of that term as defined in clause (*x*) of section 3, the other portion of such street may for all purposes of sections 305 and 306 be deemed to be a private street.

Projections and Obstructions.

Prohibition of projections upon streets, &c.

308. (*1*) No person shall erect, set up or place against or in front of any premises any structure or fixture, which will—

(*a*) overhang, jut or project into, or in any way encroach upon, or obstruct the safe or

convenient passage of the public along, any street, or

(*b*) jut or project into or encroach upon any drain or open channel in any street, so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

Power to require removal of the same.

(*2*) The Commissioner may, by written notice, require the owner or occupier of any premises to remove any structure or fixture which has been erected, set up or placed against, or in front of, the said premises in contravention of this section [a] or of section 196 of the Bombay Municipal Act, 1872, [a] [b] or to alter the same in such manner as the Commissioner thinks fit to direct.

Bom. III of 1872.

(*3*) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit in account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice.

Power to require removal or alteration of projections, &c., made, before Bom. Act III of 1872 came into force.

309. (*1*) If any such structure or fixture as is described in the last preceding section has been erected, set up or placed against, or in front of, any premises, at any time before the Bombay Municipal Act, 1872, came into force, the Commissioner may give notice as aforesaid to the owner or occupier of the said premises.

(*2*) But, if in any such case the structure or fixture shall have been lawfully erected, set up or placed, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

[a–a] This reference was inserted by Bom. IV of 1888, s. 6.

[b] Bom. III of 1872 was repealed by s. 2 of this Act.

Projections over streets may be permitted in certain cases.

310. (*1*) The Commissioner may give a written permission, on such terms as he shall in each case think fit, to the owner or occupier of any building abutting on any street—

(*a*) to erect an arcade over such street or any portion thereof, or

(*b*) to put up a verandah, balcony, sunshade, weather-frame or other such structure or thing projecting from any upper storey over any street or portion thereof:

(*2*) Provided that no permission shall be given by the Commissioner for the erection of an arcade in any public street in which the construction of arcades has not been previously sanctioned by the corporation.

(*3*) The provisions of section 308 shall not be deemed to apply to any arcade, verandah, balcony, sunshade, weather-frame or other structure or thing erected or put up under and in accordance with the terms of a permission granted under this section.

Ground-floor doors, &c., not to open outwards on streets.

311. The Commissioner may at any time, by written notice, require the owner of any premises on the ground-floor of which any door, gate, bar or window opens outwards upon a street, or upon any land required for the improvement of a street, in such manner as, in the opinion of the Commissioner, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar or window altered so as not to open outwards.

Prohibition of structures or fixtures which cause obstruction in streets.

312. (*1*) No person shall, except with the permission of the Commissioner under section 310 or 317, erect or set up any wall, fence, rail, post, stop, booth or other structure or fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction

to, or an encroachment upon, or a projection over, or to occupy, any portion of such street, channel, drain, well or tank.

(*2*) Nothing in this section shall be deemed to apply to any erection or thing to which clause (*c*) of section 322 applies.

Prohibition of deposit, &c., of things in streets.

313. (*1*) No person shall, except with the written permission of the Commissioner,—

(*a*) place or deposit upon any street, or upon any open channel, drain or well in any street, any stall, chair, bench, box, ladder, bale or other thing so as to form an obstruction thereto or encroachment thereon;

(*b*) project, at a height of less than twelve feet from the surface of the street, any board or shelf, beyond the line of the plinth of any building, over any street, or over any open channel, drain, well or tank in any street;

(*c*) attach to, or suspend from, any wall or portion of a building abutting on a street, at a less height than aforesaid, anything whatever.

(*2*) Nothing in clause (*a*) applies to building-materials.

Commissioner may, without notice, remove anything erected in contravention of section 312,

314. The Commissioner may, without notice, cause to be removed—

(*a*) any wall, fence, rail, post, step, booth or other structure or fixture which shall be erected or set up in or upon any street, or upon or over any open channel, drain, well or tank contrary to the provisions of sub-section (*1*) of section 312, after the same comes into force;

after it comes into force or deposited, &c., in contravention of section 313.

(*b*) any stall, chair, bench, box, ladder, bale, board or shelf, or any other thing whatever placed, deposited, projected, attached or suspended in, upon, from or to any place in contravention of sub-section (*1*) of section 313.

Power to require removal of any structure or fixture erected or set up before section 312 came into force.

315. (*1*) The Commissioner may, by written notice, require the owner or occupier of any premises contiguous to, or in front of, or in connection with which any wall, fence, rail, post, step, booth or other structure or fixture, which it would be unlawful to erect or set up after section 312 comes into force, has been erected or set up before the said section comes into force, to remove the said wall, fence, rail, post, step, stall or other structure or thing.

(*2*) But, if in any such case the structure or fixture shall have been lawfully erected or set up, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Prohibition of the tethering of animals in the public streets.

316. (*1*) No person shall tether any animal, or cause or permit the same to be tethered by any member of his family or household, in any public street.

(*2*) Any animal tethered as aforesaid may be removed by the Commissioner, or by any municipal officer or servant, and made over to a police officer, or may be removed by a police officer, who shall deal therewith as with an animal found straying.

Temporary Erections on Streets during Festivals.

Commissioner may permit booths, &c., to be erected on streets on festivals.

317. With the concurrence of the Police Commissioner, the Commissioner may grant a written permission for the temporary erection of a booth and

any other such structure on any street on occasions of ceremonies and festivals.

Provisions concerning Execution of Works in or near to Streets.

Street when broken up for any municipal purpose to be restored without delay.

318. Whenever the soil or pavement of any street is opened or broken up by or under the order of the Commissioner, or of any municipal officer or servant, for the execution of any work on behalf of the corporation, the work on account of which the same shall have been opened or broken up shall be completed and the soil or pavement filled in, reinstated and made good with all convenient speed; and, on completion of the work, the surplus of earth and materials, if any, excavated and all rubbish occasioned thereby shall be removed without delay.

Commissioner may close street in which work is in progress.

319. (*1*) The Commissioner may, whilst any such work as aforesaid or any work which may lawfully be executed in any street is in progress, direct that the said street shall be wholly or partially closed for traffic or for traffic of such description as he shall think fit; and shall set up in a conspicuous position an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as he shall think proper for preventing or restricting traffic therein.

(*2*) No person shall, without the permission of the Commissioner or without other lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic so set up.

Commissioner to provide for traffic, &c., pending execution of municipal work in any street.

320. Whilst the execution of any work on behalf of the corporation is in progress in any street, the Commissioner shall, so far as may be reasonably practicable, make adequate provision for the passage or diversion of traffic, for securing access to all premises approached from such street, and for any

drainage, water-supply or means of lighting which may be interrupted by reason of the execution of the said work, and shall pay compensation to any person who sustains special damage by reason of the execution thereof.

Precautions to be taken for the public safety whilst municipal works are in progress in any street.

321. (*1*) Whilst the execution of any work on behalf of the corporation is in progress in any street, the Commissioner shall—

(*a*) take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings;

(*b*) have any place where the soil or pavement has been opened or broken up fenced and guarded;

(*c*) have a light sufficient for the warning of passengers set up and kept every night against any such place and against any bars, chains or posts set up under section 319, for so long as such place shall be continued open or broken up, or such bars, chains or posts shall remain set up.

(*2*) No person shall, without the written permission of the Commissioner or without other lawful authority, remove any shoring-timber or fence, or extinguish any light, employed or set up for any of the purposes of this section.

Streets not to be opened or broken up and building-materials not to be deposited thereon without permission.

322. (*1*) No person other than the Commissioner or a municipal officer or servant shall, without the written permission of the Commissioner or without other lawful authority,—

(*a*) open, break up, displace, take up or make any alteration in, or cause any injury to, the soil or pavement, or any wall, fence, post, chain or other material or thing forming part of any street; or

(*b*) deposit any building-materials in any street; or

(*c*) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(*2*) Any permission granted under clause (*b*) or clause (*c*) shall be terminable at the discretion of the Commissioner, on his giving not less than twenty-four hours' written notice of the termination thereof to the person to whom such permission was granted.

Precautions for public safety to be taken by persons to whom permission is granted under section 322.

323. Every person to whom any permission is granted under section 322 shall, at his own expense, cause the place where the soil or pavement has been opened or broken up or where he has deposited building-materials or set up any scaffold, erection or other thing, to be properly fenced and guarded, and, in all cases in which the same is necessary to prevent accidents, shall cause such place to be well lighted during the night.

Persons to whom permission is granted under section 322 must reinstate streets, &c.

324. (*1*) Every person to whom permission is granted under section 322 to open or break up the soil or pavement of any street, or who, under other lawful authority, opens or breaks up the soil or pavement of any street, shall with all convenient speed complete the work for which the same shall be opened or broken up, and fill in the ground and reinstate and make good the street or pavement so opened or broken up without delay, to the satisfaction of the Commissioner.

(*2*) If the said person shall fail to re-instate and make good the street or pavement as aforesaid, the Commissioner may restore such street or pavement,

and the expenses incurred by the Commissioner in so doing shall be paid by the said person.

Provisions to be made by persons to whom permission is granted under section 322 for traffic, &c., when their works interrupt streets.

325. The Commissioner may, by written notice, require any person to whom permission is granted under section 322 to open or break up the soil or pavement of any street, or who, under any other lawful authority, opens or breaks up the soil or pavement of any street, for the purpose of executing any work, to make provision to his satisfaction for the passage or diversion of traffic, for securing access to the premises approached from such street, and for any drainage, water-supply or means of lighting which may be interrupted by reason of the execution of the said work.

Hoards to be set up during work on any building adjacent to a street.

326. (*1*) No person who proposes to build, take down or re-build any building or wall, or to alter or repair any part of any building or wall, shall, in any case in which the footway in any adjacent street will be thereby obstructed or rendered less convenient, commence doing so, without first having caused to be put up a proper and sufficient hoard or fence, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

(*2*) No hoard or fence shall be so put up without the previous written permission of the Commissioner, and every such hoard or fence put up with such permission, with such platform and hand-rail as aforesaid, shall be continued standing and maintained in good condition to the satisfaction of the Commissioner, by the person who carries on the work, during such time as may be necessary for the public safety and convenience; and, in all cases in which the same is necessary to prevent accidents, the said person shall cause such hoard or fence to be well lighted during the night.

(3) The Commissioner may, by written notice, require the person aforesaid to remove any hoard or fence so put up.

Naming of Streets, &c.

Naming streets, and numbering of houses.

327. (1) The Commissioner may, from time to time,—

(a) with the sanction of the corporation determine the name by which any street shall be known;

(b) cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to every street, the name of such street as so determined;

(c) cause a number to be put up or painted in a conspicuous place on the outer side, wall, door or gate of any premises.

(2) No person shall, without the written permission of the Commissioner or without other lawful authority, destroy, remove, deface or in any way injure any such name or number, or put up or paint any name or number different from that put up or painted by order of the Commissioner.

Bill-posting.

Prohibition of posting of bills, &c., except with consent of owner or occupier of buildings, &c.

328. No person shall, without the consent of the owner or occupier, affix any posting-bill, placard or other paper or means of advertisement against or upon any building, wall, board, fence or pale, or write upon, soil deface or mark any such building, wall, board, fence or pale with chalk or paint or in any other way whatsoever.

Dangerous Places.

Commissioner to take proceedings for repairing

329. (1) If any place is, in the opinion of the Commissioner, for want of sufficient repair, protec-

or enclosing dangerous places.

tion or enclosure, or owing to some work being carried on thereupon, dangerous to passengers along a street, or to persons, other than the owner or occupier of the said place, who have legal access thereto or to the neighbourhood thereof, he may, by notice in writing require the owner or occupier thereof to repair, protect or enclose the said place or take such other step as shall appear to the Commissioner necessary, in order to prevent danger therefrom.

(2) The Commissioner may, before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent danger from the said place. Any expense incurred by the Commissioner in taking such temporary measures shall be paid by the owner or occupier of the place to which the said notice refers.

Lighting of Streets.

Public streets to be lighted.

330. The Commissioner shall—

(*a*) take measures for lighting in a suitable manner the public streets and municipal markets and all buildings vesting in the corporation; and

(*b*) procure, erect and maintain such a number of lamps, lamp-posts and other appurtenances as may be necessary for the said purpose; and

(*c*) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the corporation shall from time to time determine;

and may—

(*d*) place and maintain electric wires for the purpose of lighting such lamps under, over, along or across, and posts, poles, standards,

stays, struts, brackets, and other contrivances for carrying, suspending or supporting lamps or electric wires in or upon, any immoveable property, without being liable to any claim for compensation thereanent:

Provided that such wires, posts, poles, standards, stays, struts, brackets and other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person.

Prohibition of removal, &c., of lamps.

331. No person shall, without lawful authority, take away or wilfully break, throw down or damage—

(*a*) any lamp, lamp-post or lamp-iron set up in any public street of in any municipal market or building vesting in the corporation;

(*b*) any electric wire for lighting any such lamp;

(*c*) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any such electric wire or lamp;

and no person shall wilfully extinguish the light or damage any appurtenance of any such lamp.

Persons accidentally breaking lamp to repair the damage.

332. If any person shall, through negligence or accident, break any lamp set up in any public street or municipal market or building vesting in the corporation, he shall pay the expenses of repairing the damage so done by him.

Manner of laying gas-pipes.

333. (*1*) No gas-pipe shall be laid in a drain or on the surface of an open channel or house-gully.

(*2*) Gas-pipes shall be laid at the greatest practicable distance from water-pipes, having regard to

the width of the street. Where the width of the street will allow of it, the said distance shall not be less than four feet.

(3) When it is necessary for a gas-pipe to cross a water-pipe, the gas-pipe shall, if practicable, be laid above the water-pipe. A gas-pipe so laid shall be at least nine feet in length and, as nearly as the situation will admit of, shall be so placed as to form with the water-pipe a right angle and so that no joint in the gas-pipe will be nearer to any water-pipe than four feet. The greatest practicable distance shall be kept between a water-pipe and a gas-pipe which crosses it, and the gas-pipe shall, throughout its entire length, be sufficiently bedded in with good sound clay or other fit material of a proper consistence, which shall be well worked and rammed into a trench all round the gas-pipe.

(4) If any gas-pipe be laid in any way contrary to the provisions of this section, the Commissioner may make such alteration with respect to such pipe as he shall think necessary, and the expenses thereof shall be paid by the person under whose order or management the pipe has been laid.

Situation of gas-pipes, &c., may be altered by Commissioner.

334. (1) The Commissioner may, whenever for any of the purposes of this Act it shall appear to him necessary, by written notice, require the owner of any gas-pipe or of any other gas-work laid in any street to raise, sink or otherwise alter the situation of such pipe or work.

(2) Every alteration required to be made under sub-section (1) shall be made at the charge of the municipal fund, and compensation shall be paid to the owner by the Commissioner for the damage, if any, which he sustains by reason of such alteration :

(3) Provided that no such alteration shall be made which will prevent gas passing through any pipe or work as freely and conveniently as, having

regard to all the requirements of this Act, is practicable.

335. (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed over any gas-pipe belonging to the corporation. Buildings, &c., not to be erected without permission over municipal gas-pipes.

(*2*) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to the Commissioner shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

Watering of Streets.

336. The Commissioner may— Measures for watering.

(*a*) take measures for having the public streets watered at such time and seasons and in such manner as he shall think fit;

(*b*) procure and maintain such water-carts, animals, and apparatus as he shall think fit for the said purpose.

CHAPTER XII.

BUILDING REGULATIONS.

Notices regarding Erection of Buildings.

337. (*1*) Every person who shall intend to erect a building shall give to the Commissioner notice of his said intention, in a form, obtained for this purpose under section 344, specifying the position of the building intended to be erected, the description of building, the purpose for which it is intended, [a] its Notice to be given to Commissioner of intention to erect a building.

[a] Word repealed by Act V of 1905, s. 44, is omitted.